

Translation

PATENT COOPERATION TREATY

PCT/FR2003/050161



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SP 21819 HM	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/050161	International filing date (day/month/year) 11 décembre 2003 (11.12.2003)	Priority date (day/month/year) 12 décembre 2002 (12.12.2002)
International Patent Classification (IPC) or national classification and IPC H04N 7/16		
Applicant VIACCESS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>4</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 06 juillet 2004 (06.07.2004)	Date of completion of this report 17 December 2004 (17.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/050161

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-10, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-10, filed with the letter of 21 October 2004 (21.10.2004)
- ☒ the drawings:
 pages 1/2-2/2, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/050161

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-10

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1

The application does not fulfil the requirements set forth in PCT Article 6 because claims 1 and 8 are not supported by the description.

1. The aim of the invention is clearly set out on pages 2 and 6 of the description as being to assign access rights, in a controlled manner, to the various terminals of a subscriber. According to claims 1 and 8, these rights are given to the slave terminal when it contains the first secret code Sm.
 - Claim 1 does not give any indication as to how this first secret code Sm reaches the slave terminal and indicates only that the master terminal receives said first secret code Sm and said slave terminal receives a second secret code Ss that has a one-to-one relationship with said first secret code Sm. As a result, if a slave terminal does not contain a pre-recorded first secret code Sm, it will not be able to receive any data and an operator cannot, therefore, authorise said slave terminal.
 - Claim 8 indicates that the master terminal can transmit said first secret code Sm to said slave terminal. The description, however, indicates only one way of acquiring said first secret code Sm, namely, by requesting that the master terminal smart card be inserted into the slave terminal (see page 10). No other way is envisaged. The current wording of claim 8

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1

includes the situations where:

- the slave terminal acquires said first secret code Sm from said master terminal (for example, via a wireless network) without any need for user intervention, or
- the slave terminal acquires said first secret code Sm from the central subscriber management terminal (for example, via a modem) without any need for master terminal intervention.

This is not supported by the description.

It follows that independent claims 1 and 8 do not fulfil the requirements set forth in PCT Article 6 according to which each independent claim must contain all of the technical features essential for the definition of the invention, and the scope of protection must be reasonable with respect to the contribution over the prior art.

2. There is a further problem of clarity in claims 1 and 8 that should be corrected, i.e. the slave terminal receives a second secret code Ss but it is not at all specified what is done with this second secret code Ss.